

REMARKS

Claims 12-22 remain in the application. All of the claims are finally rejected under Section 103 based on the Torch reference (U.S. 6,542,081). Without further amendment these final rejections under Section 103 are again traversed for the reasons which now follow.

The claims are directed to a method for monitoring a technical installation and a method for performing a diagnosis of a technical installation. Specifically, the first two steps of method claim 12 include

using a sensor to acquire a physiological reaction of a human during an inspection tour of a portion of the technical installation, [and]
using an assessment tool to record reaction information acquired with the sensor ...

The rejection cites col. 9, lines 23 - 33 (e.g., for using a message signal or a stream of data as a means of issuing commands, such as to control a relay switch) to argue that the step of using a sensor to acquire a physiological reaction has been read upon use of the detection device 30 of Torch; and cites col. 8, lines 52-63 to find use of an assessment tool because data stored in memory circuitry may be retrieved for analysis. However, the Torch reference does not appear to meet the terms of the third step recited in claim 12:

analyzing the information recorded with the assessment tool to diagnose an operational condition of a component of the technical installation.

The rejection (see page 3) contends that a processing box 130 monitors “the equipment of the onset of drowsiness” but claim 12 requires more: diagnosing “an operational condition of a component of the technical installation.” This is not the same as monitoring operators. The rejection has already read the first step of claim 12 (using a sensor to acquire a physiological reaction) on the disclosure of Torch to “monitor operators”. There is simply no use of the detection device 130 to “diagnose an operational condition of a component of the technical installation.” Removal of the rejection is therefore requested.

Claim 18 is rejected on the exact same basis as claim 12. Claim 18 requires acquiring a physiological reaction “during an inspection tour by the human around a portion of the technical installation” and “analyzing information ... to determine a condition of a portion of the technical installation.” The Torch reference is deficient for not disclosing “determining a condition of a portion of the technical installation.” Claim 18 is allowable, as are each of the pending dependent claims.

The Examiner is requested to withdraw the art rejections and pass the application to issue.

Conclusion

All of the claims are allowable over the art of record. In the absence of at least one claimed feature in each of the claims 12 and 18, no prima facie case of obviousness can be made to reject the claims. All of the claims are patentable over the prior art and the application is in condition for allowance. The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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